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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,838	12/24/2003	W. Dale Hollingsworth	2219.0190004	1124
26111	7590	07/13/2005	EXAMINER	
STERNE, KESSLER, GOLDSTEIN & FOX PLLC 1100 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			MAI, TRI M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No. 10/743,838	Applicant(s) HOLLINGSWORTH, W. DALE	
	Examiner Tri M. Mai	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-69 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 30-69 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. It is noted that per applicant's admission, all claims are readable on Fig. 14. The election of species is considered in place in case applicant introduces claims readable on other species.

Applicant's response to this remark is confusing. On 11/04/2004, applicant elects the species of Fig. 14 with the following remark "claims 30-69 read on such species".

2. Applicant to amend the first line in the specification to indicate proper priority.

3. Claim 51 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 43.

When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

4. Claims 30, 31, 33-36, 39-42, 44-46, 49, 50, 61-65, 68, and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell (1658174) in view of either Gottesman (2574146) or Thies et al. (2170841). Russell teaches a carrying case with first and second portions each comprise a first segment. Russell meets all claimed limitations except for the second segments connecting the opposite end of the first segment. Either Gottesman or Thies teaches that it is known in the art to provide a second straight segment connecting the opposite ends of the first segment within a sleeve. It would have been obvious to one of ordinary skill in the art to provide the a second segment in Simson to provide an alternative attachment to the luggage.

It is noted that first segment curving continuously inwardly and upwardly as shown in Fig. 2.

Regarding claim 35, note there are lips in the arrangement of the mating between portions 34, 32 and 46, 48.

Thies teaches that it is known in the art to provide first segment curved about 45 degrees from the second segment. It would have been obvious to one of ordinary skill in the art to provide the segment curved about 45 degrees from the second segment in the Simson as taught by Thies to provide the desired angle for the handle.

5. Claim 32, 43, 51-56, and 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Simson rejection, as set forth above, in view of Schneider (2589438). It would have been obvious to one of ordinary skill in the art to provide to provide the zipper in Russell as taught by Schneider to provide an alternative fastening means.

6. Claims 36-38, 47-48, 66, 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Simson rejection, as set forth above, and further in view of Russell (1658174). Russell teaches that it is known in the art to provide an engagement with protuberance and corresponding recess and the protuberance tapers in height and width in the direction of the ends (note the smaller portion 31 compared to the portion 30. It would have been obvious to one of ordinary skill in the art to provide the an engagement with protuberance and corresponding recess and the protuberance tapers in height and width in the direction of the ends in the Simson rejection, as taught by Russell to provide an alternative for keep the two handles together.

7. Claims 58, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Simson rejection, as set forth above in paragraph 4, and further in view of Russell (1658174). Russell teaches that it is known in the art to provide an engagement with protuberance and corresponding recess and the protuberance tapers in height and width in the direction of the ends

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(note the smaller portion 31 compared to the portion 30. It would have been obvious to one of ordinary skill in the art to provide the an engagement with protuberance and corresponding recess and the protuberance tapers in height and width in the direction of the ends in the Simson rejection, as taught by Russell to provide an alternative for keep the two handles together.

8. Claims 30, 31, 34-38, 41, 42, 45, 46, 47, 50, 61, 63, 64, 65, 66, 69 are rejected under 35 U.S.C. 102(b) as being anticipated by Henriksen (RE23629), or in the alternative, over Henriksen in view of Wighard (833101), or Eckstein (4907633). Henriksen teaches a carrying case having a handle including first and second portions rotatably mounted on the enclosure on opposite side of the opening, and the first segments having mating surfaces as claimed. With respect to the handle being rotatably mounted, it is the handle can be rotated about the flexible material of the carrying case. With respect to the ends of each first segments curving continuously inward and upward, it is noted that the surface at portion 3 in the second segment curving continuously inward and upward as claimed.

To the degree it is argued that Henriksen fails to teach the handle being rotatably mounted, Wighard teaches that it is known in the art to provide a rotatably mounted handle by a sleeve at 3. It would have been obvious to one of ordinary skill in the art to provide a rotatably mounted handle in Henriksen in view of Wighard to provide an alternative container for the handle.

9. Claim 32, 43, 51, 53, 54, 55, 56, 57, 60, are rejected under 35 U.S.C. 103(a) as being unpatentable over the Henriksen rejection, as set forth above, in view of Ritter (1556352). It would have been obvious to one of ordinary skill in the art to provide to provide the zipper in Henriksen as taught by Ritter to provide an alternative fastening means.

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10. Claims 30, 31, 33, 34, 41, 42, 44, and 50 are rejected under 35 U.S.C. 102(b) as being anticipated by Gottesman (2574146) or Thies et al. (2170841). Gottesman teaches a carrying case having a handle with first and second portions 18, 20 each portion having first segment 18 and 20 and second segment at 12, 14 connecting the first segments. With respect to mating surfaces, it is noted that 18 and 20 are engaged by friction. With respect to the first segments curving continuously inward and upward, it is noted that there is a curved portion adjacent 26 in Fig. 2.

Thies teaches a carrying case having a handle with first and second portions 18, 20 each portion having first segment 1 and second segment at 5 connecting the first segments. With respect to mating surfaces, it is noted that inner surfaces are engaged each other. With respect to the first segments curving continuously inward and upward, it is noted that there is a curved portion at 1 in Fig. 2, and note that this portion extends from the first portion about portion 3.

11. Claims 32, 43, 51, 53, 54, 60, are rejected under 35 U.S.C. 103(a) as being unpatentable over either Gottesman or Thies rejections, as set forth above, in view of Ritter (1556352). It would have been obvious to one of ordinary skill in the art to provide to provide the zipper in either Gottesman or Thies as taught by Ritter to provide securing means.

12. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W Young can be reached on (571)272-4549. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
Art Unit 3727

